

COUNCIL VOTES TO INVESTIGATE

Calls For Special Committee to Inquire Into Charges of Executive

MAYOR ATTACKED IN SHARP DEBATE

Members Denounce and Others Defend Utterances in Recent Speeches — Failure of Heads of Departments to Furnish Reports.

ACTION OF COUNCIL ON MAYOR'S SPEECH

Whereas, the Mayor of the city of Richmond, in a recent public speech, has charged the members of the Committee on Finance of the City Council with a violation of their oath of office and of the charter of the city of Richmond in making up the budget for the year 1907, and with other derelictions of duty; therefore—

Be it resolved by the Council of the city of Richmond, the Board of Aldermen concurring:

That a special investigating committee of five, consisting of three members from the Common Council and two members from the Board of Aldermen, be, and they are hereby, appointed, whose duty it shall be, as speedily as possible, to inquire and report to either branch whether the said Committee on Finance has violated the charter of the city of Richmond, or any ordinance or resolutions passed in pursuance thereof, in the matter of formulating or making the budget for 1907.

The recorded vote on the passage of the original resolution follows: Ayes—Messrs. Atkinson, Barber, Bliley, Cannon, Cary, C. Levy, Gies, Green, G. B. Hobson, J. A. Hobson, Lea, Lynch, Mills, Pollard, Pollock, Spence, Weil, W. L. White, Williams, Wilshire and President Peters—21.

Noes—Messrs. Davis, Ferguson, Garber, Miner, Neagle, Phillips, Powers, Richards, E. D. Richardson, W. Fred Richardson and David Meade White—11.

After the Finance Committee had deliberated for an hour yesterday afternoon in executive session and drafted a resolution providing for a special joint committee of five, consisting of three members from the Common Council and two from the Board of Aldermen, to inquire into the specific charges made by the Mayor in his recent address, the Common Council itself had a prolonged and spirited debate last night over the adoption of the resolution. It was twice beaten, but was finally passed after having been stripped of any appropriation. Accordingly, the provision for a clerk and stenographer had to be stricken out and the committee clerk will have to record the deliberations of the proposed committee. The measure must now go to the Board of Aldermen for its concurrence, and its fate in that body is doubtful. The majority of aldermanic members of the Finance Committee are said to be averse to the proposition to investigate.

Mr. Cannon and Mr. W. L. White voted the induction of the Council and the Finance Committee, and vigorously condemned the Mayor's utterances. Mr. David Meade White and Mr. W. Fred Richardson opposed the investigation provision. Mr. W. L. White declared that the Mayor's charges amounted to little more than the Council's vindictive itself. He indicated that the result was forecast by the sentiment shown there at the meeting.

As soon as the Mayor called and the minutes read, the body got to work without further preliminaries. The clerk laid before the Council a message from the Mayor relative to delays in the report of certain city officers in making their reports. The message was as follows:

"By the terms of an ordinance approved February 1, 1906, the heads of the departments of the city government are required to forward their annual reports to the Mayor on or before the 15th day of February of each year, and the Mayor is required to forward these reports to the Council on or before the 15th day of March of each year. The Mayor has been unable to comply with this ordinance because of the absence of reports, without which an intelligent statement of the condition and prospects of the city government could not be prepared.

"The following reports have not yet reached the Mayor's office: The Auditor's report, the report of the Collector of City Taxes, the report of the Board of Health, the report of the Board of Police, the report of the Commissioner of the Revenue, the report of the City Engineer, and the report of the City Surveyor.

"It is hardly necessary to say that the absence of these reports prevents any consideration of the financial interests of the government, including the extent and condition of the public debt and the sinking fund, the principal source of revenue, and the other important matters which originate in the office of the Mayor and which are of great importance to the city.

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KNOW OF HIS ACT WHEN FIRED SHOT

Expert Says Thaw Had Insane Knowledge When Shot White.

PLANS OF JEROME STILL A MYSTERY

Complains That if He Called Defense's Alienists They Might Not Testify—Mother of the Prisoner to Be Next Witness.

NEW YORK, March 4.—A long stride forward in the trial of Harry K. Thaw was taken to-day when District Attorney Jerome announced that his exhaustive cross-examination of Dr. B. D. Evans, of the alienists for the defense, had been concluded. Dr. Evans had been under fire since Wednesday morning last. He was immediately succeeded on the stand by Dr. Charles G. Wagner, of Birmingham, N. Y., who accompanied Dr. Evans on most of his visits to Thaw in the Tombs. Mr. Jerome indicated by his questioning of Dr. Wagner that he may conclude with the witness to-morrow.

Mrs. William Thaw is expected to be the next figure in the witness chair. With Mrs. Thaw's testimony in, the defense will practically have completed its case, and it seems likely that the State's case in rebuttal may be begun before the end of the week.

Defense Yet a Mystery. Just what District Attorney Jerome will be able to prove on rebuttal remains quite as much of a mystery as ever. He complained to-day in seeking a broad interpretation of the rules of evidence by Justice Fitzgerald that if he should call any of the defense's alienists in rebuttal they might refuse on the ground of professional privilege to answer any questions put to them.

It is not yet exactly clear to the lay mind what extent the District Attorney can go in disproving Mrs. Evelyn Nesbit Thaw's testimony.

A Hurtful Admission. Dr. Evans left the witness stand to-day subject to recall for redirect examination. The witness protected the interests of the defense quite as well throughout his cross-examination, and at all times appeared a match for the district attorney Dr. Evans. Dr. Evans, however, admitted that Thaw had an insane knowledge of what he was doing on Madison Square Roof Garden the night he shot and killed Stanford White. The New York statute prescribes that to be exempt from punishment for crime an insane person must be so demented as not to know the nature or quality of his act or to know that the act is wrong.

In explaining Thaw's actions subsequent to the shooting—his quiet demeanor, his directions as to what should be done with his wife and what should be sent for—Dr. Evans declared that Thaw was the defendant's son, and that his senses began to subside and his senses began to subside and his senses began to subside.

Had Irrational Knowledge. Dr. Wagner also declared that Thaw had irrational knowledge of what was transpiring on the roof garden. He believed the man's insanity dated from the time Evelyn Nesbit told him her story in Paris in 1903. Dr. Wagner created quite a stir in court by using the present tense in responding to a question from Attorney Jerome as to what form of insanity Thaw "has or had."

Dr. Wagner declared Thaw "is suffering" from symptoms which lead toward a melancholic state and a state of dementia praecox. When asked to describe the latter phrase Dr. Wagner said it covered such a wide field of dementia as to be difficult of strict definition. Dr. Wagner declared Thaw's condition of mind at the time of the shooting was of the dementia praecox type, and that he believed Thaw was insane at the time of the shooting.

The district attorney again continued his somewhat puzzling tactics. His questioning of Dr. Evans seemed to have the purpose of showing that Thaw never was insane to the extent contemplated by the criminal statutes of this State. Again with Dr. Wagner he pointed toward the insanity of adolescence. He would not go further than this in an attempt to classify the exact form.

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HAVOC WROUGHT BY DYNAMITE EXPLOSION

EARLY SUNDAY MORNING AT HOMESTEAD, N. J.



ROOSEVELT SEES CONGRESS OUT

Thanks Members for What Done; More Yet, Says He.

FINAL SESSION UNUSUALLY TAME

All Had Worked So Hard During Past Few Days No Fun Left in Them—The Ship Subsidy Bill Was Talked to Death.

WASHINGTON, March 4.—With a new record for large appropriations and far-reaching legislation, the Fifty-ninth Congress was brought to a close shortly after noon to-day. The last few hours were calm; in fact, tame, by comparison with what had been expected. Long before noon passage of the ship subsidy bill had been abandoned, and the filibuster against it, conducted by Senator Carmack, being no longer necessary, he surrendered the floor and retired to the disappointment of the galleries.

Before introducing the bill, Senator Gallinger expressed the belief that with the support of Democratic members, which he had been assured of, he would get action on the measure, practically along the lines of the present bill at the next session of Congress. Extreme fatigue, due to continued night sessions in the House during the last week, had a dampening effect upon many Congressmen, and the usual excitement of "last day" enthusiasm was confined to the "last day" of the membership.

Despite these conditions the audience in both houses was as large as they have ever been. Thousands thronged the corridors, unable to secure admission to either branch.

President Attends. One of the interesting features incident to the close of the Congress was the visit of President Roosevelt, who, with his Cabinet, White House staff and a number of guests, occupied the President's room in the Senate wing. Seated at a table in the center of the room, he signed bills as they were enrolled and presented to him. On account of the dispatch with which business has been conducted during the past week there were only forty bills to be signed to-day.

The President was at the Capitol for more than an hour. He devoted most of the time in visiting with his Cabinet, both the retiring and incoming members, being present, and in presenting them to personally friends of the Senate and House. Retiring Senators were received graciously and without exception the President expressed regret that these lawmakers were to leave the service of the country. Especially warm was his reception of Senator Spooner, who has just announced his voluntary retirement.

When the members of the committee which waited upon him with the information that Congress was ready to adjourn, had delivered their message the President thanked them for the laws that had been enacted, and he added with a smile that he still had several bills that would be heard from in the future. This amounted to good-natured, but direct notice to Congress that he had not abandoned the several recommendations for legislation which had not met with congressional favor this session.

Both Receive Thanks. Vice-President Fairbanks and Speaker Cannon received the thanks of the minority for the impartial manner in which they had presided over the deliberations of the two houses, and both of these officers made speeches expressing gratitude at the words of appreciation. The feature of the House session was the presentation of a club service of 300 pieces to General Grosvenor by his colleagues of the Fifty-ninth Congress. Speeches of regret at the veteran Officer's retirement were made from both sides of the chamber.

In addition to the songs and stories that usually mark the close of a session, there was a beautiful picture formed by the entire House rising and waving flags and singing "My Country, 'Tis of Thee," as the gavel fell at 12:15 P. M. In the two last of the proceedings was the speech by Vice-President Fairbanks, prior to adjournment at 12:15 P. M. His remarks were applauded by the thousands of visitors, and the applause continued as the audience watched with interest the farewells of Senators on the floor.

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CAN'T FORCE TRUST OFFICIALS TO GO

Supreme Court Reverses Eastern Tennessee Circuit Court in Fertilizer Cases.

OFFICIALS TO BE DISCHARGED

Merits of the Case Not Passed Upon and Further Prosecutions May Follow.

WASHINGTON, D. C., March 4.—The fertilizer trust cases, involving the right of the United States to compel the removal of indicted officials of the fertilizer companies constituting the alleged trust from Virginia to Tennessee for trial, were decided to-day by the Supreme Court of the United States adversely to the government's contention, the opinion being delivered by Chief Justice Fuller, who held that the United States Circuit Court had erred in holding that the indictment was sufficient to secure the removal of the cases, without regard to the evidence. The result was the reversal of the decision by the United States Circuit Court for the Eastern District of Tennessee.

Their Discharge Follows. Chief Justice Fuller said that the Supreme Court had never held that in removal cases the indictment of a person was sufficient to secure his transfer from one jurisdiction to another, "and," he added, "we now hold that it is not."

The men were discharged only with false mustaches and goatees. One man was tall, weighing between 180 and 190, while the other weighed about 160 pounds. Both were dark complexioned, and wore dark slouch hats and dark clothes. They boarded the train at Pittsburg and began working the train as it passed the Kansas City Southern Railroad shops. They commenced at the smoking car.

A robber walked ahead with a large revolver in either hand, and quietly asked the passengers to "shut out" to the main car, who was closely following. They were not far behind the train auditor, and followed him into the day coach. When they came to Jeff in the day coach he at once grasped the idea that it was a hold-up, and after the auditor had passed him he drew a revolver and shot at the foremost robber, who shot twice at the negro. The first shot went wild, and struck Westlake, but the second shot hit the negro in the head and killed him instantly. The robbers then quietly made the auditor deliver his money and hurriedly left the train as it entered the yards at Cornell.

The country surrounding Pittsburg is thickly settled, and is dotted with villages and mining camps. It is reported that the news that a miner was killed by the bandits has aroused hundreds of other miners, who will attempt to capture and lynch the robbers.

SENATOR MARTIN NOW ON LIBAN DESERT

Governor Swanson received yesterday a picture postcard from Senator S. Martin, who, at the time of addressing the card, was in the desert lands of the Nile. Senator Martin wrote that he and Mrs. Martin were sunning themselves on the Libyan Desert, beneath the shadow of the new-old pyramids.

Mr. and Mrs. Martin left Virginia about a month ago, the trip being taken for the health of the Senator's wife.

BOY IS RETURNED BY BLACK HAND GANG

NEW YORK, March 4.—Failing to obtain \$3,000 from the father of a boy whom they had kidnapped January 23, members of a so-called "black hand" gang, after keeping him forty days from his parents, tonight turned him loose on the Brooklyn Bridge. The boy later was restored to his parents by the police. The kidnapped boy was Martin Palermo, the six-year-old son of James Palermo, a baker, in business in Brooklyn.

MEN IN DISGUISE HOLD UP A TRAIN

Kill Negro, Who Protests, and Stray Shot Wounds White Passenger.

MAKE THE AUDITOR PAY UP

After Getting His Money They Escaped—Miners Scouring the Country for Them.

PITTSBURG, KANSAS, March 4.—A Missouri Pacific passenger train, which left here at 7:20 this evening, was held up by two men in disguise, and Lou Jeff, a negro miner, employed at Camp 21 of the Central Coal and Coke Company, was killed because he protested, and W. L. Westlake, of Toledo, O., who, with his wife and two children, had been visiting relatives in Kansas, was shot through the hand by a stray shot that had been fired at the negro. A few passengers on the train, and the robbers got about \$100 in cash and watches.

The men were disguised only with false mustaches and goatees. One man was tall, weighing between 180 and 190, while the other weighed about 160 pounds. Both were dark complexioned, and wore dark slouch hats and dark clothes. They boarded the train at Pittsburg and began working the train as it passed the Kansas City Southern Railroad shops. They commenced at the smoking car.

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NO MENTION OF UNWRITTEN LAW IN INSTRUCTIONS

Judge Harrison Gives Out Document for Guidance of Jury.

WILL LIKELY GO TO JURY TO-NIGHT

Argument Begins This Morning. Mr. Keith Opening for the Commonwealth—Mr. Lee Will Close for the Defense—Gaines Was Star Witness.

[Special to The Times-Dispatch.]

CULPEPER, VA., March 4.—With the beginning of the argument of counsel to-morrow morning, the trial of Philip J. and James A. Strother charged with the killing of W. F. Bywaters, is fast reaching that point when the jury will be asked to decide the guilt or innocence of the prisoners. At the session of the court to-day both sides concluded the examination of all witnesses in the case, and submitted their instructions to the court this afternoon. Their instructions were gone over to-night by Judge Harrison, and from them he has prepared instructions which are to go from the court to the jury. Immediately upon the opening of court to-morrow these instructions will be read by the presiding judge, after which the arguments will begin. It is expected that acting prosecuting attorney J. A. C. Keith will make the opening argument, leaving Captain Woods to conclude for the Commonwealth. Following Mr. Keith, Attorney Jeffries, the counsel for the defense, will probably make the first plea, for the Strother boys, who were at the trial, Mr. John L. Lee will make the closing argument. As Judge Harrison is compelled to preside at another court on Thursday, an effort will be made to conclude the argument for both the defense and prosecution to-morrow, so that the case may go to the jury Wednesday morning. It is possible that a night session will be held to-morrow, in order that this may be accomplished.

Spectators Surprised. Much to the surprise of the hundreds of spectators in court to-day, neither session of the trial was fraught with any sensation. Two important points which the attorneys, for the prosecution hoped to bring out to-day did not materialize, and before the noon recess was taken Mr. Keith announced that the State would raise its case. First of all the acting prosecuting attorney was unable to produce Dr. J. N. DeJarnette, of the Western State Hospital for the Insane, by whom he had determined to contradict some of the statements made upon the stand Saturday by Dr. Charles Clark of Washington, and whose testimony was in favor of the insanity plea raised by the defense. Dr. DeJarnette had been summoned as a witness for the State, but he notified Mr. Keith at the last minute that his duties would not permit his leaving the institution. With the exception of an admission while upon the stand that he testified before the coroner's jury that the window of Viola Bywaters's room was down at the time of the shooting, the evidence of Mr. E. L. Gaines, brother-in-law of the Strother boys, an eye-witness to the shooting, who was considered a "star" witness, was not so convincing as to elicit additional facts bearing upon the murder. This relative of the prisoners made the poorest witness of any person who has yet been summoned to the stand in this case. A perceptible nervousness while facing the attorneys for the prosecution, but by taking plenty of time in which to make replies to questions propounded by the attorneys, he was able to elicit additional facts bearing upon the murder. This relative of the prisoners made the poorest witness of any person who has yet been summoned to the stand in this case. A perceptible nervousness while facing the attorneys for the prosecution, but by taking plenty of time in which to make replies to questions propounded by the attorneys, he was able to elicit additional facts bearing upon the murder.

Window Was Up. In reply to a question asked by Captain Woods, Gaines admitted that when he appeared before Coroner Lewis he stated, following the tragedy, that the window in Viola's room was down. He explained further at the request of Mr. Jeffries, counsel for the Strother boys that at the time that he entered the room of Viola Bywaters the window was down, but that he went out again, and that sufficient time elapsed before he returned again for the window to have been raised without his knowledge. The attorneys for the prosecution during the trial of the case have attempted to prove that the window was down, and that Bywaters could not have gotten out of it as quickly as it was claimed by the defense, and that further he lost his life while engaged in a fight with the Strother boys inside of the room. The counsel for the defense claims that the statement made by Gaines is insignificant, inasmuch as two witnesses within the past three days of the trial testified to the fact that the window was raised after Viola Bywaters was married to the slain man.

People Commend Them. While sitting in the courtroom to-day James A. Strother, one of the prisoners charged with the killing of Bywaters, was handed several letters, written from friends in various places, commending him for his act, and hoping that he would be acquitted. Two of these letters were written from Baltimore, and signed "Mother and a Virginian."

The usual large crowd of spectators attended the morning session of the court, many of whom were attracted by the possibility that the attorneys for the prosecution might be able to spring a surprise by bringing out some rather sensational feature bearing on the tragedy from the testimony of E. L. Gaines, brother-in-law of the prisoners.

Judge Harrison, who spent Sunday in Baltimore, was late in reaching Culpeper, and court did not convene until nearly 10 o'clock. This caused little delay, however, for the witnesses were hurriedly called and the hearing of the testimony began promptly.

Upon taking the chair, Judge Harrison

PLUMBERS GO OUT ON STRIKE TO-DAY

Masters Willing to Live Up to Agreement, But Refuse to Sign It.

THE SITUATION IS PUZZLING

Matter Will Probably Be Taken Again Before Arbitration Board.

All the journeymen plumbers of the city, members of the local union, have been ordered out of the shops to-day because of the alleged refusal of the master plumbers to sign the decision handed down by the arbitration board—Mr. Joseph Bryan, Judge W. J. Leake, and Mr. W. J. Griggs—appointed to settle the differences causing the recent strike.

A joint meeting of the journeymen plumbers' committee and the committee from the master plumbers, was held last Thursday night, and the latter were requested to sign the arbitration board's decision. It is stated, so that the journeymen plumbers might have something tangible to go upon in case of further or other dispute or difference. Messrs. H. C. Howie, E. C. Hicks, and John J. Powell, were the journeymen's committee; but there were only two of the master plumbers present—Messrs. John E. Rose and James E. Phillips. The two master plumbers, when called upon to sign the agreement as drawn up by the arbitration board, stated that there was no master plumbers' association, and that they were not authorized to sign the agreement.

Letter Sent Out. Thereupon, Mr. Howie asked them to give him the names of the master plumbers who were members of the masters' association while the matter

(Continued on Second Page.)

TOOK SICK CHILDREN FROM BURNING HOUSE

Three Ill With Measles in Residence of Mr. Carter, Which Caught Fire Last Night.

Fire that originated in the home of Mr. William Carter, No. 612 South Main Street, last night threatened to destroy many adjacent dwellings, and that two houses are on the street to-day is due only to the prompt and efficient work of the firemen.

Mr. Carter discovered a blaze in the kitchen of his residence, and an alarm was at once turned in. The house was soon in flames, and the adjoining residence, No. 612 1-2, caught fire. This latter house, however, was not badly damaged.

Three children of Mr. Carter, who for the past week have been suffering from the measles, were taken from the home immediately after the fire was discovered.

The damage to the buildings, which will amount to something like \$1,000, is fully covered by insurance.